

CHAPTER 34

SUBSTANTIVE CODE CORRECTIONS

S.F. 475

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I STATUTORY CORRECTIONS

Section 1. Section 8.9, subsection 1, Code 2011, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. ~~Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.~~

Sec. 2. Section 8A.207, subsection 5, paragraph c, Code 2011, is amended to read as follows:

c. *Contracts let by another governmental entity.* The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under an existing competitively procured contract let by another governmental entity, or may approve such procurement in the same manner by a participating agency or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, ~~or~~ other than a contract associated with the state board of regents or an institution under the control of the state board of regents.

Sec. 3. Section 15.104, subsection 6, Code 2011, is amended to read as follows:

6. Review grants or contracts awarded by the department, with respect to the department's adherence to the guidelines and procedures ~~and the impact on the three-year strategic plan for economic growth.~~

Sec. 4. Section 15.117A, subsection 2, paragraph a, subparagraph (5), Code 2011, is amended to read as follows:

(5) The person ~~designated~~ appointed as the chief information officer pursuant to section ~~8A.104, subsection 12~~ 8A.201A, or, if no person has been so ~~designated~~ appointed, the director of the department of administrative services, or the director's designee.

Sec. 5. Section 15.119, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. The assistive device tax credit program administered pursuant to ~~section 422.11E and~~ section 422.33, subsection 9.

Sec. 6. Section 15.333, subsection 1, paragraph b, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 16.131A, unnumbered paragraph 1, Code 2011, is amended to read as follows:

As used in section 16.131, this section, and sections 16.132 through ~~16.134~~ 16.135, unless the context otherwise requires:

Sec. 8. Section 16.135, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The financial ability of the users to support the existing wastewater treatment system, improvements to the wastewater treatment system, and the long-term maintenance of the wastewater treatment system.

Sec. 9. Section 16.192, subsections 4 and 5, Code 2011, are amended to read as follows:

4. Award financial assistance, including financial assistance in the form of grants under the Iowa jobs program and Iowa jobs II program pursuant to sections 16.194, 16.194A, and 16.195.

5. Enter into and enforce grant agreements as necessary or convenient to implement the Iowa jobs program and Iowa jobs II program.

Sec. 10. Section 16.193, subsections 1 and 2, Code 2011, are amended to read as follows:

1. The Iowa finance authority, subject to approval by the Iowa jobs board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall provide the board with assistance in implementing administrative functions, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up. The authority, in cooperation with the board, may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the program.

2. During the term of the Iowa jobs program established in section 16.194 and the Iowa jobs II program established in section 16.194A, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program and Iowa jobs II program, notwithstanding section 8.57, subsection 6, paragraph “c”.

Sec. 11. Section 16.193, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the program.¹ The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

Sec. 12. Section 16.195, subsection 1, Code 2011, is amended to read as follows:

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

Sec. 13. Section 28H.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For purposes of this chapter, a council of governments includes the following areas established by executive order number 11, ~~1969~~ 1968 or a chapter 28E agreement:

Sec. 14. Section 29A.43, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state or member of the civil air patrol, or hinder or prevent the officer or enlisted person or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States ordered to

¹ See chapter 131, §52, 158 herein

temporary duty or service, as defined in section 29A.1, subsection 3, 11, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

Sec. 15. Section 50.39, Code 2011, is amended to read as follows:

50.39 Abstract.

It ~~The~~ state board of canvassers shall make an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom it ~~the state board of canvassers~~ declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

Sec. 16. Section 52.2, Code 2011, is amended to read as follows:

52.2 Purchase Optical scan voting system required.

~~1. Except as otherwise provided in subsection 2, the board of supervisors of a county may, by a majority vote, authorize, purchase, and order the use of voting machines or an optical scan voting system in any one or more voting precincts within the county until otherwise ordered by the board of supervisors. Voting machines and an optical scan voting system may be used concurrently at the same precinct.~~

2. Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Sec. 17. Section 68A.401, subsection 4, Code 2011, is amended to read as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68A.201~~ 68B.201A.²

Sec. 18. Section 88.5, subsection 11, Code 2011, is amended to read as follows:

11. *Railway sanitation and shelter.* A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and healthy workplace. The commissioner shall enforce the requirements of this ~~section~~ subsection upon the receipt of a written complaint.

Sec. 19. Section 89.3, subsection 5, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not under pressure, unless the commissioner determines an earlier inspection is warranted.:

² See chapter 131, §53, 158 herein

Sec. 20. Section 89.5, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A rule adopted pursuant to this chapter which adopts standards by reference to another publication shall be exempt from the requirements of section ~~2B.5A~~ 17A.6, subsection 4 ~~2~~, if the following conditions exist:

Sec. 21. Section 89A.3, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A rule adopted pursuant to this section which adopts standards by reference to another publication shall be exempt from the requirements of section ~~2B.5A~~ 17A.6, subsection 4 ~~2~~, if the following conditions exist:

Sec. 22. Section 90A.11, subsection 3, paragraph e, Code 2011, is amended to read as follows:

e. Civil penalties recovered pursuant to this section ~~subsection~~ shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

Sec. 23. Section 91.4, Code 2011, is amended to read as follows:

91.4 Duties and powers.

1. The duties of said commissioner shall be:

~~1.~~ a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's hands by virtue of the office, and deliver the same to the commissioner's successor, except as otherwise provided.

~~2.~~ b. To collect, assort, and systematize statistical details relating to programs of the division of labor services.

~~3.~~ c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

~~4.~~ d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

e. To serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

~~5.~~ 2. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

~~6.~~ 3. The commissioner, with the assistance of the office of the attorney general if requested by the commissioner, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's jurisdiction.

~~7.~~ 4. The division of labor services may sell documents printed by the division at cost according to rules established by the labor commissioner pursuant to chapter 17A. Receipts from the sale shall be deposited to the credit of the division and may be used by the division for administrative expenses.

~~8.~~ 5. Except as provided in chapter 91A, the commissioner may recover interest, court costs, and any attorney fees incurred in recovering any amounts due. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner shall be deposited in the general fund of the state. The commissioner is exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

9. 6. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division. The commissioner may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner.

~~10. Serve as an ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.~~

Sec. 24. Section 97B.49A, subsection 3, Code 2011, is amended to read as follows:

3. *Calculation of monthly allowance.* For each active or inactive vested member retiring on or after July 1, 1994, ~~with four or more complete years of~~ who is vested by service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to the applicable percentage of the final average covered wage multiplied by a fraction of years of service. However, if benefits under this section commence on an early retirement date, the amount of the benefit shall be reduced in accordance with section 97B.50.

Sec. 25. Section 97C.3, subsections 1, 2, and 3, Code 2011, are amended to read as follows:

1. Benefits will be provided for employees whose services are covered by the agreement ~~(and, and their dependents and survivors)~~ survivors, on the same basis as though such services constituted employment within the meaning of Tit. II of said Social Security Act.

2. The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, Tit. II, contributions with respect to wages ~~(as as defined in section 97C.2 of this chapter)~~, equal to the sum of taxes which would be imposed by sections 1400 and 1410 of the federal Insurance Contributions Act, if the services covered by the agreement constituted employment within the meaning of that Act.

3. Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein, but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services is entered into, provided that in the case of an agreement or modification made after ~~the effective date of this chapter [May May 3, 1953]~~ 1953, and prior to January 1, 1954, such agreement or modification of the agreement shall be made effective with respect to any such services performed on or after January 1, 1951.

Sec. 26. Section 99B.5A, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Bingo may lawfully be conducted at a fair, ~~as defined in section 174.1,~~ or a community festival if all the following conditions are met:

Sec. 27. Section 100C.6, subsection 4, Code 2011, is amended to read as follows:

4. Relieve any person engaged in fire protection system installation, maintenance, repair, service, or inspection as ~~defined~~ provided in section 100D.1 from obtaining a fire protection system installer and maintenance worker license as required pursuant to chapter 100D.

Sec. 28. Section 101.1, subsection 2, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. "Petroleum" means petroleum as defined in section 455B.471.

Sec. 29. Section 101.2, Code 2011, is amended to read as follows:

101.2 Scope of rules.

Except as otherwise provided in this chapter, the rules shall be in substantial compliance with the standards of the national fire protection association relating to flammable and combustibles liquids, and liquefied petroleum gases, and liquefied natural gases.

Sec. 30. Section 101.3, Code 2011, is amended to read as follows:

101.3 Separate rules for liquids and gas.

The rules covering combustible and flammable liquids shall be formulated and promulgated separately from those covering liquefied petroleum gas and from those covering liquefied natural gases.

Sec. 31. Section 101.21, subsection 4, Code 2011, is amended by striking the subsection.

Sec. 32. Section 101.22, subsection 8, paragraph b, Code 2011, is amended to read as follows:

b. A person who conveys or deposits flammable or combustible liquid shall inspect the aboveground flammable or combustible liquid storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground flammable or combustible liquid storage tank fill pipe, the person conveying or depositing the flammable or combustible liquid may deposit the flammable or combustible liquid in the unregistered tank. However, the only one deposit is allowed only in the single instance into the unregistered tank, that the person provides making the deposit shall provide the owner or operator of the tank with another notice as required by subsection 5, and that the person provides shall provide the owner or operator with an aboveground flammable or combustible liquid storage tank registration form.

Sec. 33. Section 103.25, subsection 1, Code 2011, is amended to read as follows:

1. At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Sec. 34. Section 103.33, subsection 3, Code 2011, is amended to read as follows:

3. Upon receipt of notice of appeal from a condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for health safety to health and property safety, except as provided in subsection 2, the order appealed from shall be stayed until final decision of the board and the board shall notify the property owner and the electrical contractor, class A master electrician, class B master electrician, fire alarm installer, special electrician, or if established by the board the residential master electrician, making the installation. The power supplier shall also be notified in those instances in which the order has been served on such supplier.

Sec. 35. Section 123.53, subsection 4, Code 2011, is amended to read as follows:

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

Sec. 36. Section 135B.19, Code 2011, is amended to read as follows:

135B.19 Title of division.

This law division may be cited as the “*Pathology and Radiology Services in Hospitals Law*”.

Sec. 37. Section 163.30, subsection 5, paragraph a, Code 2011, is amended to read as follows:

a. However, swine may be moved intrastate directly to an approved state, federal, or auction market without identification or certification, if the swine are to be identified and certificated at the state, federal, or auction market.

Sec. 38. Section 185C.29, subsection 1, Code 2011, is amended to read as follows:

1. After the direct and indirect costs incurred by the secretary and the costs of elections, referendums, necessary board expenses, and administrative costs have been paid, at least seventy-five percent of the remaining moneys from a state assessment deposited in the corn promotion fund shall be used to carry out the purposes of ~~this chapter~~ the board as provided in section 185C.11.

Sec. 39. Section 203D.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 40. Section 207.1, subsection 2, Code 2011, is amended to read as follows:

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, codified at 30 U.S.C. ch. 25, subch. IV, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this chapter in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

Sec. 41. Section 207.3, subsections 2 and 3, Code 2011, are amended to read as follows:

2. The division may, after notification to the committee, commence proceedings to suspend, revoke, or refuse to renew a license of a licensee for repeated or willful violation of any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq.

3. The hearing shall be held pursuant to chapter 17A not less than fifteen nor more than thirty days after the mailing or service of the notice. If the licensee is found to have willfully or repeatedly violated any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq., the committee may affirm or modify the proposed suspension, revocation, or refusal to renew the license.

Sec. 42. Section 207.16, subsection 1, Code 2011, is amended to read as follows:

1. Each operator upon completion of any reclamation work required by this chapter shall apply to the division in writing for approval of the work. The division shall promulgate rules consistent with Pub. L. No. 95-87, ~~section § 519~~, codified at 30 U.S.C. § 1269, regarding procedures and requirements to release performance bonds or deposits.

Sec. 43. Section 207.19, Code 2011, is amended to read as follows:

207.19 Surface effects of underground coal mining operations.

1. The provisions of this chapter shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The division shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this chapter and be consistent with the

requirements in ~~section 516~~ of Pub. L. No. 95-87, § 516, codified at 30 U.S.C. § 1266, and the permanent regulations issued pursuant to that Act.

2. In order to protect the stability of the land, the division shall suspend underground coal mining under urbanized areas, cities, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the administrator finds imminent danger to inhabitants of the urbanized areas, cities, and communities.

Sec. 44. Section 207.21, subsection 1, Code 2011, is amended to read as follows:

1. The division shall participate in the abandoned mine reclamation program under ~~Tit. IV, Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.~~ There is established an abandoned mine reclamation fund under the control of the division.

Sec. 45. Section 207.21, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. The division shall submit to the secretary a state reclamation plan and annual projects to carry out the purposes of this program. The plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of ~~Tit. IV of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.~~

Sec. 46. Section 207.21, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The division in participating in the abandoned mine reclamation program under ~~Tit. IV of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV,~~ shall have the following additional powers:

Sec. 47. Section 207.22, subsection 3, paragraph b, Code 2011, is amended to read as follows:

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of ~~Tit. IV of~~³ Pub. L. No. 95-87, ~~Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV,~~ or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

Sec. 48. Section 216A.6, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. Department, or division, or office evaluations of information about a person seeking or receiving advocacy services.

Sec. 49. Section 216A.96, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A community action agency or ~~delegate agency~~ shall:

Sec. 50. Section 216A.97, Code 2011, is amended to read as follows:

216A.97 Administration.

A community action agency or a ~~delegate agency~~ may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program.

Sec. 51. Section 216A.133A, subsection 5, Code 2011, is amended to read as follows:

5. The board shall report to the legislative general assembly's standing committees on government oversight committee all sources of funding by December 1 of each year.

³ See chapter 131, §56, 158 herein

Sec. 52. Section 217.6, Code 2011, is amended to read as follows:

217.6 Rules and regulations — organization of department.

1. The director is hereby authorized to recommend to the council for adoption such rules and regulations as are necessary to carry into practice the programs of the various divisions and to establish such divisions and to assign or reassign duties, powers, and responsibilities within the department, all with the approval of the council on human services, within the department as the director deems necessary and appropriate for the proper administration of the duties, functions and programs with which the department is charged. Any action taken, decision made, or administrative rule adopted by any administrator of a division may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule. ~~The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter.~~

2. ~~The director shall organize the department of human services into divisions to carry out in efficient manner the intent of this chapter.~~ The department of human services may be initially divided into the following divisions of responsibility: the division of child and family services, the division of mental health and disability services, the division of administration, and the division of planning, research and statistics.

3. If the department of human services requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

Sec. 53. Section 225C.5, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. One member ~~who is~~ shall be a military veteran and who is knowledgeable concerning the behavioral and mental health issues of veterans.

Sec. 54. Section 225C.6, subsection 1, paragraph k, Code 2011, is amended to read as follows:

k. Coordinate activities with the governor's developmental disabilities council and the mental health planning council, created pursuant to federal law. ~~Work~~ The commission shall work with other state agencies on coordinating, collaborating, and communicating concerning activities involving persons with disabilities.

Sec. 55. Section 229.22, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital as defined in section 229.11, subsection 1, paragraphs "b" and "c". A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the facility or hospital, the examining physician may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement

agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 56. Section 229.39, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. The filing after July 1, 1978, of any report relative to that person's status which would have been required to be filed prior to said date if that person had initially been hospitalized under this chapter as amended by 1975 Iowa Acts of the Sixty-sixth General Assembly, 1975 Session, ch. 139, sections 1 to 30.

Sec. 57. Section 231.62, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department shall adopt rules ~~in consultation with the direct care worker task force established pursuant to 2005 Iowa Acts, ch. 88, and in coordination with the recommendations made by the task force~~, to implement all of the following training and education provisions:

Sec. 58. Section 232.172, subsection 2, Code 2011, is amended to read as follows:

2. This subsection applies to the confinement of a delinquent juvenile under the jurisdiction of this state in an institution located within a noncompacting state, as defined in section 232.173, that entered into the interstate compact on juveniles under section 232.171, ~~Code 2009~~. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of the delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles in section 232.171, ~~Code 2009~~, confine or order the confinement of the delinquent juvenile in a compact institution within another party state.

Sec. 59. Section 232C.4, Code 2011, is amended to read as follows:

232C.4 Effect of emancipation order.

1. An emancipation order shall have the same effect as a ~~child~~ minor reaching the age of majority with respect to but not limited to the following:

- a. The ability to sue or be sued in the ~~child's~~ minor's own name.
- b. The right to enter into a binding contract.
- c. The right to establish a legal residence.
- d. The right to incur debts.
- e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the ~~child~~ minor reaching the age of majority and the parents are exempt from the following:

- a. Future child support obligations for the emancipated ~~child~~ minor.
- b. An obligation to provide medical support for the emancipated ~~child~~ minor, unless deemed necessary by the court.
- c. A right to the income or property of the emancipated ~~child~~ minor.
- d. A responsibility for the debts of the emancipated ~~child~~ minor.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A, gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated ~~child~~ minor shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify the child support recovery unit of the department of human services of the emancipation.

Sec. 60. Section 234.7, subsection 2, paragraph a, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department of human services shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for ~~not more than three hundred children at any one time~~ who are described by both of the following:

Sec. 61. Section 234.35, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a ~~graduate equivalency~~ general education development diploma, if the services are in the child's best interests, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 62. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2011, is amended to read as follows:

(1) The advisory council shall consist of ~~fourteen~~ twelve members. ~~Six~~ Eight members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department on aging, the Iowa department of public health, and the department of inspections and appeals.

Sec. 63. Section 249M.3, subsection 5, Code 2011, is amended to read as follows:

5. Net patient revenue as reported on each participating hospital's fiscal year 2008 Medicare cost report, or as reported under subsection 4 if applicable, shall be the sole basis for the health care access assessment for the duration of the program.

Sec. 64. Section 256B.3, subsection 9, Code 2011, is amended to read as follows:

9. To cooperate with existing agencies such as the department of human services, the Iowa department of public health, the state school for the deaf, the Iowa braille and sight saving school, ~~the state tuberculosis sanatorium~~, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 65. Section 256F.5, subsection 10, Code 2011, is amended to read as follows:

10. The organization of the charter school or innovation zone school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the charter school or innovation zone school.

Sec. 66. Section 256H.1, subsection 8, paragraph a, Code 2011, is amended to read as follows:

a. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the director of the department of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

Sec. 67. Section 260C.69, subsection 1, Code 2011, is amended to read as follows:

1. Each community college which completes a project, as defined under section 260C.56, subsection 4, shall set aside a percentage of available dormitory space for the purposes of meeting the needs of the following students:

- a. Students, with families, who are participating in specialized or intensive programs.
- b. Students who are participating in specialized or intensive programs.
- c. Child care arrangements for students, faculty, or staff.
- d. Students whose residence is located too far from the community college to permit commuting to and from school, as determined by the board of directors of the merged area.
- e. Students whose disabilities require special housing adaptations.

Sec. 68. Section 260G.6, subsection 4, Code 2011, is amended to read as follows:

4. In order to receive moneys pursuant to this section, a program agreement approved by the community college board of directors shall be in place, program capital cost requests shall be approved by the Iowa economic development board created in section 15.103, ~~program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development,~~ and employer contributions toward program capital costs shall be certified and agreed to in the agreement. Program capital cost requests shall be approved or denied not later than sixty days following receipt of the request by the department of economic development.

Sec. 69. Section 262.30, Code 2011, is amended to read as follows:

262.30 Contracts for ~~training teachers practitioner preparation~~.

The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of such school district, and for ~~training teachers practitioner preparation~~ for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the university of northern Iowa, state university of Iowa, and Iowa state university of science and technology as training schools for ~~teachers practitioners~~.

Sec. 70. Section 263.1, Code 2011, is amended to read as follows:

263.1 Objects — departments.

The university of Iowa shall never be under the control of any religious denomination. Its object shall be to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications. It shall include colleges of liberal arts, law, medicine, and such other colleges and departments, with such courses of instruction and elective studies as the state board of regents may determine from time to time. If a ~~teachers training course practitioner preparation program~~ as defined in section 272.1 is established by the board, it shall include the subject of physical education. Instruction in the liberal arts college shall begin, so far as practicable, at the points where the same is completed in high schools.

Sec. 71. Section 266.2, Code 2011, is amended to read as follows:

266.2 Courses of study.

There shall be adopted and taught at said university of science and technology practical courses of study, embracing in their leading branches such as relate to agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics. If a ~~teachers training course practitioner preparation program~~ as defined in section 272.1 is established, it shall include the subject of physical education.

Sec. 72. Section 273.11, subsection 1, Code 2011, is amended to read as follows:

1. The state board of education shall develop standards and rules for the accreditation of area education agencies ~~by July 1, 1997~~. Standards shall be general in nature, but at a minimum shall identify requirements addressing the services provided by each division, as well as identifying indicators of quality that will permit area education agencies, school

districts, the department of education, and the general public to judge accurately the effectiveness of area education agency services.

Sec. 73. Section 284.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~five~~ four major elements:

Sec. 74. Section 284.6, subsection 9, Code 2011, is amended to read as follows:

9. Moneys received pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, shall be maintained as a separate listing within its a school district's or area education agency's budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

Sec. 75. Section 301.1, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional ~~use~~ purposes only.

Sec. 76. Section 309.37, subsection 2, Code 2011, is amended to read as follows:

2. An accurate plan and profile of the roads surveyed, showing ~~(a) cuts~~ all of the following:

a. Cuts and fills, (b) outline,

b. Outline of grades, (c) all,

c. All existing permanent bridges, culverts and grades, and (d) proper,

d. Proper bench marks on each bridge and culvert.

Sec. 77. Section 312.4, subsection 2, Code 2011, is amended to read as follows:

2. The amount of the road use tax fund which the treasurer has credited to ~~(a) the~~ following:

a. The primary road fund, (b) the,

b. The secondary road fund of the counties, (c) the,

c. The farm-to-market road fund, and (d) the,

d. The street fund of the cities.

Sec. 78. Section 314.28, Code 2011, is amended to read as follows:

314.28 Keep Iowa beautiful fund.

1. A keep Iowa beautiful fund is created in the office of the treasurer of state. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. ~~The fund shall include moneys transferred to the fund as provided in section 422.12A. The fund shall also include moneys transferred to the fund as provided in section 422.12G.~~ All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects.

3. The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance.

Sec. 79. Section 317.1A, subsection 1, paragraphs a and b, Code 2011, are amended to read as follows:

a. Primary noxious weeds, which shall include:

- (1) Quack grass (~~Agropyron~~ (Elymus repens).
 - (2) Perennial sow thistle (Sonchus arvensis).
 - (3) Canada thistle (Cirsium arvense).
 - (4) Bull thistle (Cirsium lanceolatum) (vulgare).
 - (5) European morning glory or field bindweed (Convolvulus arvensis).
 - (6) Horse nettle (Solanum carolinense).
 - (7) Leafy spurge (Euphorbia esula).
 - (8) Perennial pepper-grass (~~Lepidium~~ (Cardaria draba).
 - (9) Russian knapweed (~~Centaurea~~ (Acroptilon repens).
 - (10) Buckthorn (Rhamnus spp., not to include Frangula alnus, syn. Rhamnus frangula).
 - (11) All other species of thistles belonging in the genera of Cirsium and Carduus.
- b. Secondary noxious weeds, which shall include:
- (1) Butterprint (Abutilon theophrasti) annual.
 - (2) Cocklebur (~~Xanthium commune~~) (strumarium) annual.
 - (3) Wild mustard (~~Brassica~~ (Sinapis arvensis) annual.
 - (4) Wild carrot (Daucus carota) biennial.
 - (5) Buckhorn (Plantago lanceolata) perennial.
 - (6) Sheep sorrel (Rumex acetosella) perennial.
 - (7) Sour dock (Rumex crispus) perennial.
 - (8) Smooth dock (Rumex altissimus) perennial.
 - (9) Poison hemlock (Conium maculatum).
 - (10) Multiflora rose (Rosa multiflora).
 - (11) Wild sunflower (wild strain of Helianthus annuus annuus L.) annual.
 - (12) Puncture vine (Tribulus terrestris) annual.
 - (13) Teasel (~~Dipsacus~~) (Dipsacus spp.) biennial.
 - (14) Shattercane (Sorghum bicolor) annual.

Sec. 80. Section 321.190, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 81. Section 321G.29, subsection 1, Code 2011, is amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 5 ~~4~~, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered.

Sec. 82. Section 327H.20A, subsection 3, Code 2011, is amended to read as follows:

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the fund from which ~~it was~~ the moneys were appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 83. Section 330.20, Code 2011, is amended to read as follows:

330.20 Appointment of commission — terms.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three-member commission and at least three of the members of a five-member commission shall be residents of the city or county establishing the commission. The

governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. Vacancies shall be filled in the same manner as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

Sec. 84. Section 330A.10, subsection 1, Code 2011, is amended to read as follows:

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out ~~on~~ by check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

Sec. 85. Section 331.402, subsection 3, paragraph f, Code 2011, is amended to read as follows:

f. A loan agreement to which a county is a party or in which a county has a participatory interest is an obligation of a political subdivision of this state for the purpose of chapters 502 and 636, and is a lawful investment for banks, trust companies, ~~building and loan associations~~, savings and loan associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

Sec. 86. Section 331.449, Code 2011, is amended to read as follows:

331.449 Prior projects preserved.

Projects and proceedings for the issuance of general obligation bonds commenced before July 1, 1981, may be consummated and completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the repeal or amendment had not occurred, and the rights, duties, and interests following from such projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

Sec. 87. Section 331.470, Code 2011, is amended to read as follows:

331.470 Prior projects preserved.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before July 1, 1981 may be completed as required or permitted by any statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter 117, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the board to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Sec. 88. Section 357I.2, subsection 3, Code 2011, is amended to read as follows:

3. If part or all of the proposed district lies within two miles of the boundaries of a city, the board shall send a copy of the petition to each such city before scheduling the public hearing on the petition. A city that receives a copy of the petition may require that any road or street improvements and associated drainage improvements constructed within the district after establishment of the district be constructed in compliance with requirements for such improvements then in effect within the city. The city shall notify the board of the city's response to the petition within thirty days of receiving the petition. If the city wants requirements for road or street improvements and associated drainage improvements then in effect within the city to apply within the district, the requirements shall be included in the resolution of the board establishing the district and shall be incorporated into the plans and specifications for the improvements prepared by the district engineer or county engineer. The plans and specifications shall be subject to approval by the board and by the city council of each affected city, which approval must occur before commencement of construction. If costs for construction of improvements according to a city's standards exceed the costs for such construction according to county standards, the ~~petitioner~~ petitioners shall pay the difference in the costs.

Sec. 89. Section 360.9, subsection 5, Code 2011, is amended to read as follows:

5. Subject to the right of reversion to the present owner as ~~above provided in this section~~, the township trustees may sell, lease, exchange, give, or grant and accept any interest in real property to, with, or from any county, municipal corporation, or school district if the real property is within the jurisdiction of both the grantor and grantee and the advertising and public auction requirements of this section shall not apply to any such transaction between the aforesaid local units of government.

Sec. 90. Section 403.11, Code 2011, is amended to read as follows:

403.11 Exemptions from legal process.

1. All property of a municipality, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution; ~~and no execution. Execution~~ or other judicial process shall not issue against the ~~same; nor shall property and a judgment against a municipality shall not~~ be a charge or lien upon such property: ~~Provided, however, that. However,~~ the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants or revenues from urban renewal projects.

2. The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof: ~~Provided, that. However,~~ such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Sec. 91. Section 403A.2, subsection 8, Code 2011, is amended to read as follows:

8. *a.* "Housing project" or "project" means any work or undertaking: ~~(a) to do any of the following:~~

(1) To demolish, clear or remove buildings from any slum areas; ~~or (b) to.~~

(2) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for families of low income, lower-income families, or very low-income families; ~~or (c) to.~~

(3) To accomplish a combination of the foregoing.

b. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes.

c. The term “housing project” or “project” also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration or repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

Sec. 92. Section 404A.4, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. For the fiscal year beginning July 1, 2012, and for each fiscal year thereafter, the ~~department~~ office shall reserve not more than forty-five million dollars worth of tax credits for any one taxable year.

Sec. 93. Section 411.38, subsection 3, Code 2011, is amended to read as follows:

3. As used in this section, unless the context otherwise requires, “*alternative assumptions*” means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven percent and that the state would not contribute to the fund under ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992, and “*proposed assumptions*” means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven and one-half percent and the state will pay contributions as provided pursuant to ~~sections~~ section 411.8 and section 411.20, Code 2009, after January 1, 1992. These assumptions are to be used solely for the purposes of this section, and shall not impact upon decisions of the board of trustees concerning the assumption of the interest rate earned on investments, or the contributions by the state as provided for in ~~sections~~ section 411.8 and section 411.20, Code 2009.

Sec. 94. Section 419.11, Code 2011, is amended to read as follows:

419.11 Tax equivalent to be paid — assessment procedure — appeal.

1. a. Any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district, and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district, or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding.

b. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph “a”, subparagraph (2).

2. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by ~~the first sentence of this section~~ subsection 1, paragraph “a”, to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or

other political subdivision, any other statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose.

3. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private or state of Iowa college or university, nor to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent shall be subject to the provisions of chapters 445, 446 and 447.

Sec. 95. Section 420.207, Code 2011, is amended to read as follows:

420.207 Taxation in general.

Sections 426A.11 through 426A.15, 427.1, 427.8 to 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1 to 443.3, 444.2 to ~~444.5~~ through 444.4, and 447.9 to 447.13, so far as applicable, apply to cities acting under special charters.

Sec. 96. Section 420.241, Code 2011, is amended to read as follows:

420.241 Deed — when executed.

Immediately after the expiration of ninety days from the date of service of the notice, as prescribed by sections 447.9 to ~~through~~ 447.14 and ~~section~~ 448.1, the treasurer, collector, or person authorized to act as collector of taxes, shall make out a deed for each lot or parcel of land sold and remaining unredeemed and deliver the same to the purchaser upon the return of the certificate of purchase.

Sec. 97. Section 422.1, Code 2011, is amended to read as follows:

422.1 Classification of chapter.

The provisions of this chapter are herein classified and designated as follows:

- | | |
|-------------------------|--|
| <u>1.</u> Division I | Introductory provisions. |
| <u>2.</u> Division II | Personal net income tax. |
| <u>3.</u> Division III | Business tax on corporations. |
| <u>4.</u> Division IV | Repealed by 2003 Acts,
1st Ex., ch. 2, § 151, 205;
see chapter 423. |
| <u>5.</u> Division V | Taxation of financial
institutions. |
| <u>6.</u> Division VI | Administration. |
| <u>7.</u> Division VII | Estimated taxes by
corporations and
financial institutions. |
| <u>8.</u> Division VIII | Allocation of revenues. |
| <u>9.</u> Division IX | Fuel tax credit. |
| <u>10.</u> Division X | Livestock production
tax credit
Repealed by 2009 Acts,
ch. 179, § 152, 153. |

Sec. 98. Section 422.33, subsection 9, paragraph b, Code 2011, is amended to read as follows:

b. To receive the assistive device tax credit, the eligible small business must submit an application to the department of economic development. If the taxpayer meets the criteria for eligibility, the department of economic development shall issue to the taxpayer a certification of entitlement for the assistive device tax credit. However, the combined amount of tax credits that may be approved for a fiscal year under this subsection ~~and section 422.11E~~ shall not exceed five hundred thousand dollars. Tax credit certificates shall be issued on an earliest filed basis. The certification shall contain the taxpayer's name, address, tax identification number, the amount of the credit, and tax year for which the certificate applies. The taxpayer

must file the tax credit certificate with the taxpayer's corporate income tax return in order to claim the tax credit. The departments of economic development and revenue shall each adopt rules to jointly administer this subsection and shall provide by rule for the method to be used to determine for which fiscal year the tax credits are approved.

Sec. 99. Section 424.2, subsections 6, 10, and 13, Code 2011, are amended to read as follows:

6. "*Depositor*" means the person who deposits petroleum into an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

10. "*Owner or operator*" means "*owner or operator*" of an underground storage tank as used in chapter 455G or the "*owner*" or "*operator*" of an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

13. "*Tank*" means an underground storage tank subject to regulation under chapter 455G or an aboveground ~~petroleum flammable or combustible liquid~~ storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

Sec. 100. Section 441.8, Code 2011, is amended to read as follows:

441.8 Term — continuing education — filling vacancy.

1. The term of office of an assessor appointed under this chapter shall be for six years. Appointments for each succeeding term shall be made in the same manner as the original appointment except that not less than ninety days before the expiration of the term of the assessor the conference board shall hold a meeting to determine whether or not it desires to reappoint the incumbent assessor to a new term. The conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section. If the decision is made not to reappoint the assessor, the assessor shall be notified, in writing, of such decision not less than ninety days prior to the expiration of the assessor's term of office. Failure of the conference board to provide timely notification of the decision not to reappoint the assessor shall result in the assessor being reappointed.

~~Effective January 1, 1980, the conference board shall have the power to reappoint the incumbent assessor only if the incumbent assessor has satisfactorily completed the continuing education program provided for in this section.~~

2. *a.* The director of revenue shall develop and administer a program of continuing education which shall emphasize assessment and appraisal procedures, and the assessment laws of this state, and which shall include the subject matter specified in section 441.5.

b. The director of revenue shall establish, designate, or approve courses, workshops, seminars, or symposiums to be offered as part of the continuing education program, the content of these courses, workshops, seminars, or symposiums and the number of hours of classroom instruction for each. The director of revenue may provide that no more than thirty hours of tested credit may be received for the submission of a narrative appraisal approved by a professional appraisal society designated by the director. At least once each year the director of revenue shall evaluate the continuing education program and make necessary changes in the program.

3. Upon the successful completion of courses, workshops, seminars, a narrative appraisal or symposiums contained in the program of continuing education, as demonstrated by attendance at sessions of the courses, workshops, seminars or symposiums and, in the case of a course designated by the director of revenue, attaining a grade of at least seventy percent on an examination administered at the conclusion of the course, or the submission of proof that a narrative appraisal has been approved by a professional appraisal society designated by the director of revenue the assessor or deputy assessor shall receive credit equal to the

number of hours of classroom instruction contained in those courses, workshops, seminars, or symposiums or the number of hours of credit specified by the director of revenue for a narrative appraisal. An assessor or deputy assessor shall not be allowed to obtain credit for a course, workshop, seminar, or symposium for which the assessor or deputy assessor has previously received credit during the current term or appointment except for those courses, workshops, seminars, or symposiums designated by the director of revenue. Only one narrative appraisal may be approved for credit during the assessor's or deputy assessor's current term or appointment and credit shall not be allowed for a narrative appraisal approved by a professional appraisal society prior to the beginning of the assessor's or deputy assessor's current term or appointment. The examinations shall be confidential, except that the director of revenue and persons designated by the director may have access to the examinations.

4. Upon receiving credit equal to one hundred fifty hours of classroom instruction during the assessor's current term of office of which at least ninety of the one hundred fifty hours are from courses requiring an examination upon conclusion of the course, the director of revenue shall certify to the assessor's conference board that the assessor is eligible to be reappointed to the position. For persons appointed to complete an unexpired term, the number of credits required to be certified as eligible for reappointment shall be prorated according to the amount of time remaining in the present term of the assessor. If the person was an assessor in another jurisdiction, the assessor may carry forward any credit hours received in the previous position in excess of the number that would be necessary to be considered current in that position. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

5. Within each six-year period following the appointment of a deputy assessor, the deputy assessor shall comply with this section except that upon the successful completion of ninety hours of classroom instruction of which at least sixty of the ninety hours are from courses requiring an examination upon conclusion of the course, the deputy assessor shall be certified by the director of revenue as being eligible to remain in the position. If a deputy assessor fails to comply with this section, the deputy assessor shall be removed from the position until successful completion of the required hours of credit. If a deputy is appointed to the office of assessor, the hours of credit obtained as deputy pursuant to this section shall be credited to that individual as assessor and for the individual to be reappointed at the expiration of the term as assessor, that individual must obtain the credits which are necessary to total the number of hours for reappointment. Upon written request by the person seeking a waiver of the continuing education requirements, the director may waive the continuing education requirements if the director determines good cause exists for the waiver.

6. Each conference board shall include in the budget for the operation of the assessor's office funds sufficient to enable the assessor and any deputy assessor to obtain certification as provided in this section. The conference board shall also allow the assessor and any deputy assessor sufficient time off from their regular duties to obtain certification. The director of revenue shall adopt rules pursuant to chapter 17A to implement and administer this section.

7. If the incumbent assessor is not reappointed as ~~above~~ provided in this section, then not less than sixty days before the expiration of the term of said assessor, a new assessor shall be selected as provided in section 441.6.

8. In the event of the removal, resignation, death, or removal from the county of the said assessor, the conference board shall proceed to fill the vacancy by appointing an assessor to serve the unexpired term in the manner provided in section 441.6. Until the vacancy is filled, the chief deputy shall act as assessor, and in the event there be no deputy, in the case of counties the auditor shall act as assessor and in the case of cities having an assessor the city clerk shall act as assessor.

Sec. 101. Section 450.10, subsections 1, 2, 3, and 4, Code 2011, are amended to read as follows:

1. When the property or any interest in property, or income from property, taxable under the provisions of this chapter, passes to the brother or sister, son-in-law, or daughter-in-law, the rate of tax imposed on the individual share so passing shall be as follows:

- a. Five percent on any amount up to twelve thousand five hundred dollars.
- b. Six percent on any amount in excess of twelve thousand five hundred dollars and up to twenty-five thousand dollars.
- c. Seven percent on any amount in excess of twenty-five thousand dollars and up to seventy-five thousand dollars.
- d. Eight percent on any amount in excess of seventy-five thousand dollars and up to one hundred thousand dollars.
- e. Nine percent on any amount in excess of one hundred thousand dollars and up to one hundred fifty thousand dollars.

f. Ten percent on all sums in excess of one hundred fifty thousand dollars.

2. When the property or interest in property or income from property, taxable under this chapter, passes to a person not included in subsections 1 and 6, the rate of tax imposed on the individual share so passing shall be as follows:

a. Ten percent on any amount up to fifty thousand dollars.

b. Twelve percent on any amount in excess of fifty thousand dollars and up to one hundred thousand dollars.

c. Fifteen percent on all sums in excess of one hundred thousand dollars.

3. When the property or any interest ~~therein in property~~ or income ~~therefrom from property~~, taxable under the provisions of this chapter, passes in any manner to societies, institutions or associations incorporated or organized under the laws of any other state, territory, province or country than this state, for charitable, educational or religious purposes, or to cemetery associations, including humane societies not organized under the laws of this state, or to resident trustees for uses without this state, the rate of tax imposed shall be ~~as follows: ten percent on the entire amount so passing.~~

~~Ten percent on the entire amount so passing.~~

4. When the property or any interest in property or income from property, taxable under this chapter, passes to any firm, corporation, or society organized for profit, including fraternal and social organizations which do not qualify for exemption under sections 170(c) and 2055 of the Internal Revenue Code, the rate of tax imposed shall be ~~as follows: fifteen percent on the entire amount so passing.~~

~~Fifteen percent on the entire amount so passing.~~

Sec. 102. Section 452A.74, Code 2011, is amended to read as follows:

452A.74 Unlawful acts — penalty.

1. It shall be unlawful:

1. a. For any person to knowingly fail, neglect, or refuse to make any required return or statement or pay over fuel taxes required under this chapter.

2. b. For any person to knowingly make any false, incorrect, or materially incomplete record required to be kept or made under this chapter, to refuse to offer required books and records to the department of revenue or the state department of transportation for inspection on demand or to refuse to permit the department of revenue or the state department of transportation to examine the person's motor fuel or undyed special fuel storage tanks and handling or dispensing equipment.

3. c. For any seller to issue or any purchaser to receive and retain any incorrect or false invoice or sales ticket in connection with the sale or purchase of motor fuel or undyed special fuel.

4. d. For any claimant to alter any invoice or sales ticket, whether the invoice or sales ticket is to be used to support a claim for refund or income tax credit or not, provided, however, if a claimant's refund permit has been revoked for cause as provided in section 452A.19, the revocation shall serve as a bar to prosecution for violation of this ~~subsection~~ paragraph.

5. e. For any person to act as a supplier, restrictive supplier, importer, exporter, blender, or compressed natural gas or liquefied petroleum gas dealer or user without the required license.

6. f. For any person to use motor fuel, undyed special fuel, or dyed special fuel in the fuel supply tank of a vehicle with respect to which the person knowingly has not paid or had charged to the person's account with a distributor or dealer, or with respect to which the

person does not, within the time required in this chapter, report and pay the applicable fuel tax.

7. *g.* For any licensed compressed natural gas or liquefied petroleum gas dealer or user to dispense compressed natural gas or liquefied petroleum gas into the fuel supply tank of any motor vehicle without collecting the fuel tax.

8. 2. Any delivery of compressed natural gas or liquefied petroleum gas to a compressed natural gas or liquefied petroleum gas dealer or user for the purpose of evading the state tax on compressed natural gas or liquefied petroleum gas, into facilities other than those licensed above knowing that the fuel will be used for highway use shall constitute a violation of this section. Any compressed natural gas or liquefied petroleum gas dealer or user for purposes of evading the state tax on compressed natural gas or liquefied petroleum gas, who allows a distributor to place compressed natural gas or liquefied petroleum gas for highway use in facilities other than those licensed above, shall also be deemed in violation of this section.

3. A person found guilty of an offense specified in this section is guilty of a fraudulent practice. Prosecution for an offense specified in this section shall be commenced within six years following ~~its~~ the date of commission of the offense.

Sec. 103. Section 455D.11C, subsection 1, Code 2011, is amended to read as follows:

1. A waste tire management fund is created within the state treasury. ~~For the fiscal year beginning July 1, 2002, through the fiscal year beginning July 1, 2006, moneys received from each five dollar surcharge on the issuance of a certificate of title shall be deposited as provided in section 321.52A, Code 2007.~~ Notwithstanding section 8.33, any unexpended balance in the fund at the end of each fiscal year shall be retained in the fund. Notwithstanding section 12C.7, any interest or earnings on investments from moneys in the fund shall be credited to the fund. Moneys from the fund that are expended by the department in closing or bringing into compliance a waste tire collection site pursuant to section 455D.11A and later recouped by the department shall be credited to the fund.

Sec. 104. Section 455G.31, subsection 1, Code 2011, is amended to read as follows:

1. *a.* As used in this section, unless the context otherwise requires:

~~a.~~ (1) “Dispenser” includes a motor fuel pump, including but not limited to a motor fuel blender pump.

~~b.~~ (2) “E-85 gasoline”, “ethanol blended gasoline”, and “retail dealer” mean the same as defined in section 214A.1.

~~c.~~ (3) “Gasoline storage and dispensing infrastructure” means any storage tank located below ground or above ground and any associated equipment including but not limited to a pipe, hose, connection, fitting seal, or motor fuel pump, which is used to store, measure, and dispense gasoline by a retail dealer.

~~d.~~ Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

~~e.~~ (4) “Motor fuel pump” means the same as defined in section 214.1.

b. Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

Sec. 105. Section 455J.6, subsection 4, Code 2011, is amended to read as follows:

4. A majority of voting members shall not include any member who has a conflict of interest. A statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not ~~impair~~ prevent the council from performing the duties of the council.

Sec. 106. Section 461A.76, Code 2011, is amended to read as follows:

461A.76 Contracts with local authorities.

1. Anything Notwithstanding anything in chapter 468, subchapter I, parts 1 through 5, to the contrary, county boards of supervisors and trustees having control of any levee or drainage district established thereunder, including joint levee or drainage districts, may enter into contracts and agreements with municipalities or corporations authorized to establish water recreational areas under the provisions of this division. Such contracts or agreements shall be in writing and may be made prior to or after the establishment of a water

recreational area. If made prior to the establishment of a water recreational area they may be made conditional upon the final establishment of such area and if conditional upon such final establishment may be entered into prior to the hearing provided for in section 461A.63.

2. Such contracts or agreements may embrace any of the following subjects:

1. a. For the impoundment of drainage waters to create artificial lakes or ponds.
2. b. For compensation to drainage districts for drainage improvements destroyed or rendered useless by the establishment of water recreational areas and the structures, waters or works thereof.

3. c. For the diversion of waters from established drainage ditches or tile drains to other channels.

4. d. For sanitary measures and precautions.

5. e. For the control of water levels in lakes, ponds or impoundments of water to avoid damage to or malfunction of drainage facilities.

6. f. For the construction of additional drainage facilities promoting the interests of either or both of the contracting parties.

7. g. For the granting of easements or licenses by one party to the other.

8. h. For the payment of money by one contracting party to the other in consideration of acts or performance of the other party required by such contract or agreement.

3. When any expenditure of levee or drainage district funds is proposed by the authority contained in this section and where the estimated expenditure will exceed fifty percent of the original total cost of the district and subsequent improvements therein as defined by section 468.126, the same procedure respecting notice and hearing shall be followed as is provided in said section 468.126, for repair proposals where the estimated cost of the repair exceeds fifty percent of the original total cost of the district and subsequent improvements therein.

Sec. 107. Section 465B.2, Code 2011, is amended to read as follows:

465B.2 Statewide trails development program.

1. The state department of transportation shall undertake the following ~~programs~~ actions to establish a program to meet the objective stated in section 465B.1:

1. a. Prepare a long-range plan for the acquisition, development, promotion, and management of recreation trails throughout the state. The plan shall identify needs and opportunities for recreation trails of different kinds having national, statewide, regional, and multicounty importance. Recommendations in the plan shall include but not be limited to:

a. (1) Specific acquisition needs and opportunities for different types of trails.

b. (2) Development needs including trail surfacing, restrooms, shelters, parking, and other needed facilities.

e. (3) Promotional programs which will encourage Iowans and state visitors to increase use of trails.

d. (4) Management activities including maintenance, enforcement of rules, and replacement needs.

e. (5) Funding levels needed to accomplish the statewide trails objectives.

f. (6) Ways in which trails can be more fully incorporated with parks, cultural sites, and natural resource sites.

2. b. ~~The~~ Include, within the plan ~~shall recommend,~~ recommendations for standards for establishing functional classifications for all types of recreation trails as well as a system for determining jurisdictional control over trails. Levels of jurisdiction may be vested in the state, counties, cities, and private organizations.

3. 2. a. The state department of transportation may enter into contracts for the preparation of the trails plan. The department shall involve the department of natural resources, the Iowa department of economic development, and the department of cultural affairs in the preparation of the plan. The recommendations and comments of organizations representing different types of trail users and others with interests in this program shall also be incorporated in the preparation of the trails plan and shall be submitted with the plan to the general assembly. The plan shall be submitted to the general assembly no later than January 15, 1988. Existing trail projects involving acquisition or development may receive funding prior to the completion of the trails plan.

b. The department shall give priority to funding the acquisition and development of trail portions which will complete segments of existing trails. The department shall give preference to the acquisition of trail routes which use existing or abandoned railroad right-of-ways, river valleys, and natural greenbelts. Multiple recreational use of routes for trails, other forms of transportation, utilities, and other uses compatible with trails shall be given priority.

c. The department may acquire property by negotiated purchase and hold title to property for development of trails. The department may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the planning, acquisition, development, promotion, management, operations, and maintenance of recreation trails.

3. The department may adopt rules under chapter 17A to carry out a trails program.

Sec. 108. Section 481A.19, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Any person licensed by the authority of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to take fish, game, mussels, or fur-bearing animals from or in the waters forming the boundary between such state and Iowa, may take such fish, game, mussels, or fur-bearing animals from that portion of said waters lying within the territorial jurisdiction of this state, without having procured a license for it from the director of this state, in the same manner that persons holding Iowa licenses may do, if the laws of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 109. Section 481C.2A, subsection 6, Code 2011, is amended to read as follows:

6. The department shall make educational materials that explain the deer depredation management program available to the general public, and available specifically to farmers and farm and commodity organizations, in both electronic and brochure formats by June 30, 2008.

Sec. 110. Section 482.9, subsection 4, Code 2011, is amended to read as follows:

4. For a person to lift or to fish licensed commercial gear of another person, except when under the direct supervision of the licensee as provided in section 482.7.

Sec. 111. Section 482.10, subsection 2, Code 2011, is amended to read as follows:

2. All intrastate and interstate shipments of commercial fish, turtles, turtle eggs, or roe or roe species, must be accompanied by a receipt which shows the name and address of the seller, date of sale, and the species, numbers, and pounds of the fish, roe species, roe, turtles, or turtle eggs being sold.

Sec. 112. Section 483A.1A, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in section 483A.1 ~~or 484A.2.~~

Sec. 113. Section 483A.12, Code 2011, is amended to read as follows:

483A.12 Fees.

1. The license agent shall be responsible for all fees for the issuance of hunting, fishing, and fur harvester licenses, and combination packages of licenses sold by the license agent. All unused license blanks shall be surrendered to the department upon the department's demand.

2. A license agent shall retain a writing fee of fifty cents from the sale of each license or combination package of licenses except that the writing fee for a free deer or wild turkey hunting license as authorized under section 483A.24, subsection 2, shall be one dollar. If a county recorder is a license agent, the writing fees retained by the county recorder shall be deposited in the general fund of the county.

Sec. 114. Section 483A.31, subsection 3, Code 2011, is amended to read as follows:

3. When another state confers upon fishing, hunting, or trapping licensees of this state reciprocal rights, privileges, and immunities, a fishing, hunting, or trapping license issued by that state entitles the licensee to all rights, privileges, and immunities in the public waters or public lands of this state enjoyed by the holders of equivalent licenses issued by this state, subject to duties, responsibilities, and liabilities imposed on ~~its own~~ licensees of this state by the laws of this state.

Sec. 115. Section 499.2, Code 2011, is amended to read as follows:

499.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Agricultural associations*” are those formed to produce, grade, blend, preserve, process, store, warehouse, market, sell, or handle an agricultural product, or a by-product of an agricultural product; to produce ethanol; to purchase, produce, sell, or supply machinery, petroleum products, equipment, fertilizer, supplies, business services, or educational service to or for those engaged as bona fide producers of agricultural products; to finance any such activities; or to engage in any cooperative activity connected with or for any number of these purposes.

2. “*Agricultural products*” include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any other farm products.

3. “*Association*” means a corporation formed under this chapter.

4. A “*cooperative association*” is one which deals with or functions for its members at least to the extent required by section 499.3; and which distributes its net earnings among its members in proportion to their dealings with it, except for limited dividends or other items permitted in this chapter; and in which each voting member has one vote and no more.

5. “*Local deferred patronage dividends*” of an association means that portion of each member’s deferred patronage dividends described in section 499.30 which the board of directors of the association has determined arise from earnings of the association other than earnings which have been allocated to the association but which have not been paid in cash to the association by other cooperative organizations of which the association is a member. However, if the board of directors fails to make a determination with respect to a deceased member’s deferred patronage dividends prior to the member’s death, then “*local deferred patronage dividends*” means that portion of the member’s deferred patronage dividends which is proportional to the deferred patronage dividends described in section 499.30 less the amount of undistributed net earnings which have been allocated to the association by other cooperative organizations of which the association is a member, compared to all deferred patronage dividends of the association.

6. “*Local deferred patronage preferred stock*” of an association means preferred stock, if any, of an association which has been issued in exchange for local deferred patronage dividends. If preferred stock has been issued in exchange for deferred patronage dividends prior to the time the board of directors of the association has determined the portion of each member’s deferred patronage dividend which represents local deferred patronage dividends, then the board of directors may reasonably determine what portion of the preferred stock was issued in exchange for local deferred patronage dividends and the portion which was issued for other deferred patronage dividends.

7. “*Member*” refers not only to members of nonstock associations but also to common stockholders of stock associations, unless the context of a particular provision otherwise indicates.

Sec. 116. Section 508.33, Code 2011, is amended to read as follows:

508.33 Subsidiary companies acquired.

Any life insurance company incorporated in this state may organize, or acquire by purchase, in whole or in part subsidiary insurance and investment companies in which it owns not less than fifty-one percent of the common stock, and notwithstanding any other provisions of this subtitle inconsistent herewith may ~~(1) invest~~ do all of the following:

1. Invest funds from surplus for such purpose, ~~(2) make.~~

2. Make loans to such subsidiaries, ~~and (3) permit.~~

3. Permit all or part of its officers and directors to serve as officers or directors of such subsidiary companies.

Sec. 117. Section 514G.105, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. Provide coverage for skilled nursing care only, or provide significantly more coverage for skilled nursing care in a facility than coverage for lower levels of care.

Sec. 118. Section 514G.110, subsection 6, paragraph c, Code 2011, is amended to read as follows:

c. An insured may object to the independent review entity selected by the insurer or to the licensed health care professional designated by the independent review entity to conduct the review by filing a notice of objection along with reasons for the objection, with the commissioner within ten days of receipt of a notice sent by the independent review entity pursuant to paragraph "b". The commissioner shall consider the insured's objection and shall notify the insured, the insurer, and the independent review entity of its the commissioner's decision to sustain or deny the objection within two business days of receipt of the objection.

Sec. 119. Section 514I.5, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A hawk-i board for the hawk-i program is established. The board shall meet not less than six and not more than twelve times annually, for the purposes of establishing policy for, directing the department on, and adopting rules for the program. The board shall consist of seven voting members and four ex officio, nonvoting members, including all of the following:

Sec. 120. Section 524.310, subsection 5, paragraph b, Code 2011, is amended to read as follows:

b. A corporate or company name reserved, registered, or protected as provided in section 490.402, 490.403, ~~490A.402~~, 504.402, or 504.403. ⁴

Sec. 121. Section 524.1406, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Notwithstanding any contrary provision in chapter 490, division XIII, in determining the fair value of the shareholder's shares of a bank organized under this chapter or a bank holding company as defined in section 524.1801 in a transaction or event in which the shareholder is entitled to appraisal rights, due consideration shall be given to valuation factors recognized for federal and state estate tax purposes, including discounts for minority interests and discounts for lack of marketability. However, any payment made to shareholders under section 490.1324 shall be in an amount not less than the stockholders' equity in the bank disclosed in its last statement of condition filed under section 524.220 or the total equity capital of the bank holding company disclosed in the most recent report filed by the bank holding company with the board of governors of the federal reserve system, divided by the number of shares outstanding.

Sec. 122. Section 533.111, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. Funds appropriated to the credit union division shall be subject at all times to the warrant of the director of ~~revenue~~ the department of administrative services, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union division.

Sec. 123. Section 533.204, subsection 5, Code 2011, is amended to read as follows:

5. a. A state credit union wishing to maintain a board of directors of less than nine members may apply to the superintendent for permission to reduce the required number of directors. An application to reduce the required number of directors under this subsection must demonstrate both of the following:

⁴ See chapter 131, §73, 158 herein

~~a.~~ (1) The application is necessitated by a hardship or other special circumstance.

~~b.~~ (2) A lesser number of directors is in the best interest of the state credit union and its members.

b. In no event ~~may~~ shall the superintendent allow a state credit union to maintain fewer than seven directors on a state credit union board.

Sec. 124. Section 533.205, subsection 2, paragraph d, Code 2011, is amended to read as follows:

d. The board may appoint an executive committee to act on ~~its~~ the board's behalf.

Sec. 125. Section 533.207, subsection 4, Code 2011, is amended to read as follows:

4. The credit committee shall meet as often as may be necessary after due notice to each committee member.

Sec. 126. Section 533.315, subsection 9, paragraph a, Code 2011, is amended to read as follows:

a. The provisions of the Iowa consumer credit code, chapter 537, shall apply to consumer loans made by a state credit union, and a provision of that ~~code~~ chapter shall supersede any conflicting provision of this chapter with respect to a consumer loan.

Sec. 127. Section 533.404, subsection 2, Code 2011, is amended to read as follows:

2. All amounts due members who are unknown, or who are under a disability and no person is legally competent to receive the amounts, or who cannot be found after the exercise of reasonable diligence, shall be transmitted to the treasurer of state who shall hold the amounts in the manner prescribed by chapter 556. All amounts due creditors as described in section 490.1440 shall be transmitted to the treasurer of state in accordance with that section ~~and~~, shall be retained by the treasurer of state, and are subject to claim as provided for in that section.

Sec. 128. Section 533.505, subsection 4, Code 2011, is amended to read as follows:

4. The refusal of any person to obey an order of the district court issued pursuant to subsection ~~4~~ 3, without reasonable cause, shall be considered a contempt of court.

Sec. 129. Section 534.202, subsection 1, Code 2011, is amended to read as follows:

1. Power to purchase and to lend upon loans. The power to make loans shall include ~~(a) the all of the following:~~

a. The power to purchase loans of any type that the association may make, ~~(b) the~~

b. The power to make loans upon the security of loans of any type that the association may make, ~~and (c) the~~

c. The power to sell any loans of the type the association is authorized to make.

Sec. 130. Section 535B.1, subsection 8, Code 2011, is amended to read as follows:

8. "Natural person" means an individual who is not an association, joint venture, or joint stock company, partnership, limited partnership, business corporation, nonprofit corporation, other business entity, or any other group of individuals or business entities, however organized.

Sec. 131. Section 546.10, subsection 10, Code 2011, is amended to read as follows:

10. Notwithstanding section 17A.6, subsection ~~4~~ 2, the licensing boards included within the bureau pursuant to subsection 1 may adopt standards by reference to another publication without providing a copy of the publication to the administrative rules coordinator if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

Sec. 132. Section 582.1, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 133. Section 600.11, subsection 2, Code 2011, is amended to read as follows:

2. a. At least twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to:

~~a.~~ (1) A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and a person in a parent-child relationship with the person to be adopted. This ~~paragraph~~ subparagraph does not require notice to be given to a person whose parental rights have been terminated with regard to the person to be adopted.

~~b.~~ (2) The person to be adopted who is an adult.

~~c.~~ (3) Any person who is designated to make an investigation and report under section 600.8.

~~d.~~ (4) Any other person who is required to consent under section 600.7.

~~e.~~ (5) A person who has been granted visitation rights with the child to be adopted pursuant to section 600C.1.

~~Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.~~

~~f.~~ (6) A person who is ordered to pay support or a postsecondary education subsidy pursuant to section 598.21F, or chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter of the Code, for a person eighteen years of age or older who is being adopted by a stepparent, and the support order or order requires payment of support or postsecondary education subsidy for any period of time after the child reaches eighteen years of age.

b. Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse. A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.

Sec. 134. Section 600C.1, subsection 5, Code 2011, is amended to read as follows:

5. For the purposes of this ~~subsection~~ section, "*substantial relationship*" includes but is not limited to any of the following:

a. The child has lived with the grandparent or great-grandparent for at least six months.

b. The grandparent or great-grandparent has voluntarily and in good faith supported the child financially in whole or in part for a period of not less than six months.

c. The grandparent or great-grandparent has had frequent visitation including occasional overnight visitation with the child for a period of not less than one year.

Sec. 135. Section 602.8105, subsection 2, paragraph e, Code 2011, is amended to read as follows:

e. For filing a praecipe to issue execution under chapter 626, twenty-five dollars. The fee shall be recoverable by the creditor from the debtor against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in section 602.8109. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to section 602.8107, subsection 4.

Sec. 136. Section 602.8109, subsection 6, Code 2011, is amended to read as follows:

6. If the amount owed by the city under subsection 5, paragraph "a", for a calendar month is greater than the amount due to the city under subsection 5, paragraph "b", for that month, the city shall remit the difference to the clerk of the district court no later than the last day of the month in which the statement under subsection 5 is received.

Sec. 137. Section 626D.5, subsection 4, Code 2011, is amended to read as follows:

4. The court may ~~recognize and enforce or decline to recognize and enforce~~ a tribal judgment on equitable grounds for any of the following reasons:

- a. The tribal judgment was obtained by extrinsic fraud.
- b. The tribal judgment conflicts with another filed judgment that is entitled to recognition in this state.
- c. The tribal judgment is inconsistent with the parties' contractual choice of forum provided the contractual choice of forum issue was timely raised in the tribal court.
- d. The tribal court does not recognize and enforce judgments of the courts of this state under standards similar to those provided in this chapter.
- e. The cause of action or defense upon which the tribal judgment is based is repugnant to the fundamental public policy of the United States or this state.

Sec. 138. Section 633.3, subsection 4, Code 2011, is amended to read as follows:

4. *Charges* — includes costs of administration, funeral expenses, cost of monument, and federal and state estate taxes.

Sec. 139. Section 633.231, subsection 2, Code 2011, is amended to read as follows:

2. The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION
OF ESTATE, OF APPOINTMENT OF
ADMINISTRATOR, AND NOTICE
TO CREDITOR

In the District Court of Iowa
In and for County.
In the Estate of, Deceased
Probate No.

To the Department of Human Services Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), an intestate estate was opened in the above-named court and that was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is-.....-..... The name of the spouse is The birthdate of the spouse is and the spouse's social security number is-.....-....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of-.....-....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance within six months from the date of sending this notice and, unless otherwise allowed or paid, the claim is thereafter forever barred. If the department does not have a claim, the department shall return the notice to the ~~executor~~ administrator with notification stating the department does not have a claim within six months from the date of sending this notice.

Dated this day of (month), (year)

.....
Administrator of estate

.....
Address

.....
Attorney for administrator

.....
Address

Sec. 140. Section 633.717, subsection 8, Code 2011, is amended to read as follows:

8. The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under section 633.551, ~~or 633.552, or 633.566~~, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Sec. 141. Section 633A.3112, subsection 1, Code 2011, is amended to read as follows:

1. “Charges” includes costs of administration, funeral expenses, costs of monuments, and federal and state estate taxes.

Sec. 142. Section 636.45, subsection 2, Code 2011, is amended to read as follows:

2. It shall be lawful for insurance companies, ~~building savings~~ and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations, subject to the laws of this state, to originate real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of 38 U.S.C. § 3701 et seq., and originate loans secured by real property or leasehold, as the federal housing administrator insures or makes a commitment to insure pursuant to Tit. II of the National Housing Act (1934), and may obtain such insurance and may invest their funds, and the moneys in their custody or possession, eligible for investment, in bonds and notes secured by mortgage or trust deed insured by the federal housing administrator, and in the debentures issued by the federal housing administrator pursuant to Tit. II of the National Housing Act (1934), and in securities issued by national mortgage associations or similar credit institutions now or hereafter organized under Tit. III of the National Housing Act (1934), and in real estate loans which are guaranteed or insured by the secretary of the United States department of veterans affairs under the provisions of 38 U.S.C. § 3701 et seq.

Sec. 143. Section 654.6, Code 2011, is amended to read as follows:

654.6 Deficiency — general execution.

If the mortgaged property does not sell for an amount which is sufficient to satisfy the execution, a general execution may be issued against the mortgagor, unless the parties have stipulated otherwise.

Sec. 144. Section 692A.113, subsection 1, paragraph h, Code 2011, is amended to read as follows:

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children’s play area available to the public, a recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

Sec. 145. Section 707.6A, subsection 4, Code 2011, is amended to read as follows:

4. A person commits a class “D” felony when the person unintentionally causes a serious injury, as defined in section ~~321J.1~~ 702.18, by any of the means described in subsection 1 or 2.

Sec. 146. Section 714.8, subsection 14, paragraph a, Code 2011, is amended to read as follows:

a. Makes payment pursuant to an agreement with a dealer or market agency for livestock held by the dealer or market agency by use of a financial instrument which is a check, share draft, draft, or written order on any financial institution, as defined in section ~~203C.1~~ 203.1, if after seven days from the date that possession of the livestock is transferred pursuant to the purchase, the financial institution refuses payment on the instrument because of insufficient funds in the maker’s account.

Sec. 147. Section 717F.1, subsection 10, paragraph c, Code 2011, is amended to read as follows:

c. A research facility which is ~~certified~~ has been issued a certificate of registration by the department of agriculture and land stewardship as provided in ~~section 162.10~~ sections 162.2A and 162.4A.

Sec. 148. Section 728.8, Code 2011, is amended to read as follows:

728.8 Suspension of licenses or permits.

Any person who knowingly permits a violation of section 728.2, 728.3, or 728.5, subsection 6 1, paragraph “f”, to occur on premises under the person’s control shall have all permits and licenses issued to the person under state or local law as a prerequisite for doing business on such premises revoked for a period of six months. The county attorney shall notify all agencies responsible for issuing licenses and permits of any conviction under section 728.2, 728.3, or 728.5, subsection 6 1, paragraph “f”.

Sec. 149. Section 731.8, Code 2011, is amended to read as follows:

731.8 Exception.

The provisions of this chapter shall not apply to employers or employees covered by the federal ~~Railroad~~ Railway Labor Act, 45 U.S.C. § 151 et seq.

Sec. 150. Section 805.8A, subsection 4, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For driver’s license violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 151. Section 805.8A, subsection 6, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For operating violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 152. Section 805.8A, subsection 7, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For failure to yield or obey violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 153. Section 805.8A, subsection 8, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For traffic sign or signal violations under the following sections, the scheduled ~~violation~~ fine is as follows:

Sec. 154. Section 805.8A, subsection 14, paragraph c, subparagraph (2), Code 2011, is amended to read as follows:

(2) For a violation under section 321.446, the scheduled ~~violation~~ fine is one hundred dollars.

Sec. 155. Section 907.3, subsection 3, unnumbered paragraph 1, Code 2011, is amended to read as follows:

By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility to be followed by a ~~term~~ period of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate and the payment of fees imposed under section 905.14. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend any of the following sentences:

Sec. 156. Section 908.11, subsection 4, Code 2011, is amended to read as follows:

4. If the violation is established, the court may continue the probation or youthful offender status with or without an alteration of the conditions of probation or a youthful offender status. If the defendant is an adult or a youthful offender the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation or youthful offender status, order the defendant to be placed in a violator facility established pursuant to section 904.207 while continuing the probation or youthful offender status, extend the ~~term~~ period of probation for up to one year as authorized in section 907.7 while continuing the probation or youthful offender status, or revoke the probation or youthful offender status and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 157. Section 915.86, subsection 14, Code 2011, is amended to read as follows:

14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

Sec. 158. 2010 Iowa Acts, chapter 1031, section 255, is amended by striking the section and inserting in lieu thereof the following:

SEC. 255. 2008 Iowa Acts, chapter 1080, section 1, subsection 6, is amended to read as follows:

6. This section is repealed on ~~July 1~~ March 10, 2010.

Sec. 159. Section 203C.37, subsection 1, paragraph a, as amended by 2010 Iowa Acts, chapter 1082, section 4, is amended to read as follows:

a. Upon the filing of an application pursuant to section 203C.7 and compliance with the terms and conditions of this chapter including rules of the department, the department shall issue the applicant a warehouse operator's license. The license expires at the end of the third calendar month following the close of the warehouse operator's fiscal year. A warehouse operator's license may be renewed annually by the filing of a renewal application on a form prescribed by the department pursuant to section ~~203C.37~~ 203C.7. An application for renewal must be received by the department on or before the end of the third calendar month following the close of the warehouse operator's fiscal year.

Sec. 160. 2010 Iowa Acts, chapter 1193, section 141, is amended to read as follows:

SEC. 141. EFFECTIVE DATE. The provision of this division of this Act amending section ~~421.3~~ 421C.3, if enacted by 2010 Iowa Acts, Senate File 2383,⁵ takes effect on the effective date of section 421C.3.

Sec. 161. 2010 Iowa Acts, chapter 1193, section 203, is amended to read as follows:

SEC. 203. 2010 Iowa Acts, Senate File 2356,⁶ section ~~2~~ 1, amending section 249J.7, if enacted, is repealed.

Sec. 162. REPEAL. Section 80D.15, Code 2011, is repealed.

Sec. 163. REPEAL. Section 103A.27, Code 2011, is repealed.

Sec. 164. REPEAL. Section 455B.473A, Code 2011, is repealed.

⁵ 2010 Iowa Acts, chapter 1146

⁶ 2010 Iowa Acts, chapter 1134

DIVISION II
RESTRUCTURING

Sec. 165. Section 421B.2, subsections 1 and 6, Code 2011, are amended to read as follows:

1. “Basic cost of cigarettes” shall mean whichever of one of the two following amounts is lower:—(a) the, less, in either case, all trade discounts and customary discounts for cash, plus one-half of the full face value of any stamps which may be required by any cigarette tax act of this state:

a. The true invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or (b) the.

b. The lowest replacement cost of cigarettes to the wholesaler or retailer in the quantity last purchased, less, in either case, all trade discounts and customary discounts for cash, plus one-half of the full face value of any stamps which may be required by any cigarette tax act of this state.

6. “Retailer” means any person who is engaged in this state in the business of selling, or offering to sell, cigarettes at retail. For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.

~~For purposes of this chapter, a person who does not meet the definition of retailer or wholesaler but who is engaged in the business of selling cigarettes in this state to a retailer or final consumer shall be considered a retailer and subject to the minimum pricing requirements of this chapter.~~

Sec. 166. Section 425.11, Code 2011, is amended to read as follows:

425.11 Definitions.

1. For the purpose of this chapter and wherever used in this chapter:

1. a. The words “assessed “Assessed valuation” shall mean means the taxable valuation of the homestead as fixed by the assessor, or by the board of review, under the provisions of section 441.21, without deducting therefrom the exemptions authorized in section 426A.11.

2. b. Unless the context otherwise requires, “book” “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer, unless the context otherwise requires, means the county system as defined in section 445.1.

c. “Dwelling house” shall embrace any building occupied wholly or in part by the claimant as a home.

3. d. The word “homestead” “Homestead” shall have the following meaning:

α. (1) The homestead includes the dwelling house which the owner, in good faith, is occupying as a home on July 1 of the year for which the credit is claimed and occupies as a home for at least six months during the calendar year in which the fiscal year begins, except as otherwise provided.

(a) When any person is inducted into active service under the Selective Training and Service Act of the United States or whose voluntary entry into active service results in a credit on the quota of persons required for service under the Selective Training and Service Act, or who, being a member of any component part of the military, naval, or air forces or nurse corps of this state or nation, is called or ordered into active service, such person shall be considered as occupying or living on the homestead during such service and, where equitable or legal title of the homestead is in the spouse of the person who is a member of or is inducted into the armed services of the United States, the spouse shall be considered as occupying or living on the homestead during such service.

(b) When any person is confined in a nursing home, extended-care facility, or hospital, such person shall be considered as occupying or living on a homestead where such person is the owner of such homestead and such person maintains such homestead and does not lease, rent, or otherwise receive profits from other persons for the use thereof.

b. (2) It may contain one or more contiguous lots or tracts of land with the buildings or other appurtenances thereon habitually, and in good faith, used as a part of the homestead.

e. (3) It must not embrace more than one dwelling house, but where a homestead has more than one dwelling house situated thereon, the credit provided for in this chapter shall apply

to the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant.

~~d. The words "dwelling house" shall embrace any building occupied wholly or in part by the claimant as a home.~~

~~4. e. The word "owner" shall mean "Owner" means the person who holds the fee simple title to the homestead, and in addition shall mean the person occupying as a surviving spouse or the person occupying under a contract of purchase which contract has been recorded in the office of the county recorder of the county in which the property is located; or the person occupying the homestead under devise or by operation of the inheritance laws where the whole interest passes or where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or the person occupying the homestead is a shareholder of a family farm corporation that owns the property; or the person occupying the homestead under a deed which conveys a divided interest where the divided interest is shared only by persons related or formerly related to each other by blood, marriage or adoption; or where the person occupying the homestead holds a life estate with the reversion interest held by a nonprofit corporation organized under chapter 504, provided that the holder of the life estate is liable for and pays property tax on the homestead; or where the person occupying the homestead holds an interest in a horizontal property regime under chapter 499B, regardless of whether the underlying land committed to the horizontal property regime is in fee or as a leasehold interest, provided that the holder of the interest in the horizontal property regime is liable for and pays property tax on the homestead; or where the person occupying the homestead is a member of a community land trust as defined in 42 U.S.C. § 12773, regardless of whether the underlying land is in fee or as a leasehold interest, provided that the member of the community land trust is occupying the homestead and is liable for and pays property tax on the homestead. For the purpose of this chapter the word "owner" shall be construed to mean a bona fide owner and not one for the purpose only of availing the person of the benefits of this chapter. In order to qualify for the homestead tax credit, evidence of ownership shall be on file in the office of the clerk of the district court or recorded in the office of the county recorder at the time the owner files with the assessor a verified statement of the homestead claimed by the owner as provided in section 425.2.~~

~~2. Where not in conflict with the terms of the definitions above set out in subsection 1, the provisions of chapter 561 shall control.~~

Sec. 167. Section 427B.3, Code 2011, is amended to read as follows:

427B.3 Period of partial exemption.

1. "Actual value added", as used in this chapter, means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.

~~2. The actual value added to industrial real estate for the reasons specified in section 427B.1 is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center, the partial exemption for the value added shall not be allowed for subsequent assessment years. "Actual value added" as used in this chapter means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.~~

3. a. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. (1) For the first year, seventy-five percent.
2. (2) For the second year, sixty percent.
3. (3) For the third year, forty-five percent.
4. (4) For the fourth year, thirty percent.
5. (5) For the fifth year, fifteen percent.

b. This schedule shall be followed unless an alternative schedule is adopted by the city council of a city or the board of supervisors of a county in accordance with section 427B.1.

4. However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

DIVISION III
INTERNAL REFERENCE CORRECTIONS

Sec. 168. Section 47.10, Code 2011, is amended to read as follows:

47.10 Optical scan voting system fund.

An optical scan voting system fund is established in the office of the treasurer of state under the control of the secretary of state. Moneys in the fund are appropriated to the office of the secretary of state for purchase and distribution of optical scan voting system equipment to counties to assist county compliance with section 52.2, ~~subsection 2~~. The secretary of state, in consultation with the department of administrative services, shall establish a procedure for purchasing and distributing the equipment.

Sec. 169. Section 80D.5, Code 2011, is amended to read as follows:

80D.5 No exemptions.

There shall be no exemptions from the personal and training standards provided for in this chapter except as provided in sections section 80D.7 and 80D.15.

DIVISION IV
EFFECTIVE AND APPLICABILITY
PROVISIONS

Sec. 170. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment and apply on the dates specified:

1. The section of this Act amending 2010 Iowa Acts, chapter 1031, section 255, applies retroactively to March 10, 2010.
2. The section of this Act amending 2010 Iowa Acts, chapter 1082, section 4, applies retroactively to July 1, 2010.
3. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 141, applies retroactively to January 1, 2011.
4. The section of this Act amending 2010 Iowa Acts, chapter 1193, section 203, applies retroactively to July 1, 2010.

Approved April 7, 2011